

**PROCEDURE  
ON MAKING AMENDMENTS IN OPERATION LICENSE**

**1. General Provisions**

- 1.1 Amendments in the operation license (hereafter referred to as a License) can be performed according to the licensee's application and (or) by the initiative of the RoA Energy Regulatory Commission (hereafter referred to as a Commission).

**2. Making Amendments in the License on the basis of the Licensee's Application**

- 2.1 For making amendments in the License, the Licensee submits an application to the Commission.
- 2.2 The proposed amendments and their substantiation by the Licensee shall be mentioned in the application.
- 2.3 After registering the application in the Commission, with the signature of chairman (deputy chairman), shall be sent to the appropriate sub-division (hereafter referred to as a Responsible sub-division), in order to be reviewed and prepared for a discussion. In case of necessity the chairman of the Commission (deputy chairman) assigns one of the Commissioners as a supervisor.
- 2.4 The responsible sub-division reviews the completeness of the application, and accuracy and conformity of the included documents.
- 2.5 The application shall not be accepted for review if:
- the documents submitted by the applicant are not complete, evidently forged and counterfeit.
  - the submitted documents do not comply with the requirements of legal acts passed by the Commission, the RoA Laws and other legal acts.
- 2.6. Not late than within a five day period after receiving the application the Commission informs in writing to the Licensee on the results of the application review. In case of a negative outcome of the application review, it is attained with the Commission, according to the established order. The Licensee can re-apply to the Commission after making adjustments, in compliance with items 2.1 and 2.2 of this Procedure.
- 2.7. In case of positive outcome of the application review the responsible sub-division, involving other sub-divisions in the review, provides the appropriate conclusion.

- 2.8. The responsible sub-division can request from the Licensee additional documents and information, and conduct an additional audit (including independent auditors). The time period spent on submission of the additional documents, information and additional audit shall not be included in the terms, defined in item 2.10.
- 2.9. On the basis of the conclusion of the responsible sub-division, the issue of the proposed amendments in the License shall be considered in the meeting, according to the procedure established by the Commission, and an appropriate resolution shall be reached.
- 2.10. The Commission shall accept or reject the Licensees amendments within 30 working days after registration of the application.

### **3. Making Amendments in the License by the Commission's Initiative**

- 3.1 Amendments in the License by the Commission's Initiative shall be made by the approbation of the Licensee, except for the cases, when the envisaged amendments are necessary to ensure the duly performance of the RoA Laws.
- 3.2 In case of necessity of making amendments in the License by the Commission's initiative, the Commission informs about it to the Licensee with an appropriate written note, substantiating the necessity of amendments.
- 3.3 The Licensee, within a 10 working day after receiving the Commission's note shall be obliged to introduce his viewpoint on the proposed amendments, with the appropriate note. In case of disagreement the Licensee shall mention the reasons in the note, with appropriate substantiation.

If the Licensee does not provide his viewpoint within a 10 working day, then the Commission in the established order considers the issue on the proposed amendments in the License at the meeting. During the meeting the Licensee can express his viewpoint.
- 3.4 By the initiative of the Commission the damages incurred by the Licensee in the result of making modifications in the License, shall be compensated through tariffs. In case of damage compensation request the Licensee is obliged to justify it.

### **4. Peculiarities of making modifications in the License and License re-registration**

- 4.1 In case of reorganization of the Licensee, changing of name or legal address (location), the Licensee shall be obliged to submit an application to the Commission for License re-registration within 15 days from the day of

enforcement of those changes, attaching the appropriate documents certifying the mentioned information.

- 4.2 In case of reorganization in the form of separation of the Licensee, the separated successor (successors) from the Licensee shall be issued a License only for receiving the appropriate License, in accordance with the licensing procedure, established by the Commission.
- 4.3 In case of reorganization in the form of separation of the Licensee, the License shall be issued to the separated legal entities, only for receiving an appropriate License, in compliance with the licensing procedure, established by the Commission.
- 4.4 In cases, envisaged by Items 4.2 and 4.3 of this Procedure, the Licensee shall be obliged to apply to the commission for receiving a written permit on transfer or alienation of assets, necessary for implementation of the licensed activities, to the separated successor (successors), or separated legal entity, and on transfer of rights and liabilities with respect to those assets.
- 4.5 The resolution of the Commission on the License re-registration, or rejection shall be reached the third working day after registration of the Licensee's appropriate application in the Commission. In case of the License re-registration the Commission makes the appropriate amendments in the License ledger.
- 4.6 In order to make amendments in the result of extension of License operation period, the Licensee shall meet the appropriate requirements of the Licensing procedures, established by the Commission.